

## REMARKS

### Amendments

Applicants cancelled claims 19-27, 30-32, 34 and 35 without prejudice, and amended claims 28, 29, 33, 39 and 42.

Applicants appreciate the indication that the U.S. Patent and Trademark Office (USPTO):

- is considering reference 1 identified in the July 29, 2007 IDS;
- withdrew the objection to the oath/declaration;
- withdrew the objections to the drawings and the abstract;
- withdrew the rejections of claims 28 and 32-33 under 35 U.S.C. § 112, second paragraph and under 35 U.S.C. § 102 (e); and
- indicated that claims 28, 36-38, 41 and 42 are allowed.

Applicants respectfully traverse the rejection of claims 32, 33 and 39 under 35 U.S.C. § 112, first and second paragraphs, as allegedly not-enabled and indefinite, and reserve their right to pursue subject matter of such claims in divisional or continuation applications. Applicants continue to maintain that their specification provides a full scope of enablement for those claims, and that persons of ordinary skill in the art would readily understand the metes and bounds of those claims.

Nonetheless, in the interest of expediting prosecution, Applicants cancelled claim 32, amended claim 28 to address a minor informality, amended claims 29, 33, 39 to make them dependent from claim 28 and in claim 42 added an identifier of the amino acid sequence. These amendments render moot the rejections of claims 32, 33 and 39 and objection of claim 42 in the Office Action.

## **Rejoinder**

Applicants respectfully request rejoinder of the non-elected claim 29, which has been amended to depend from or otherwise require all the limitations of the allowable claim 28. *See*, MPEP 821.04(a), which states, in pertinent part:

Where restriction was required between independent ...or distinct processes, and all claims directed to an elected invention are allowable, any restriction requirement between the elected invention and any nonelected invention that depends from or otherwise requires all the limitations of an allowable claim should be withdrawn. For example, a requirement for restriction should be withdrawn when a generic claim, linking claim, or subcombination claim is allowable and any previously withdrawn claim depends from or otherwise requires all the limitations thereof. Claims that require all the limitations of an allowable claim will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104.

When *all* claims to the nonelected invention(s) depend from or otherwise require all the limitations of an allowable claim, applicant must be advised that claims drawn to the nonelected invention have been rejoined and the restriction requirement has been withdrawn. (Emphasis in the original.)

With the amendments of claim 29, all claims in the application now depend from the allowable claim 28. Hence, rejoinder of claim 29 is in order.

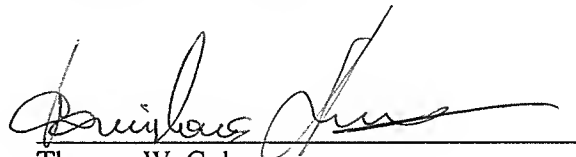
Support for the amendments of claim 29 is found in the specification, considered as a whole, e.g., Figures 9-10 and paragraphs 0099-0104 of US Patent Application Publication 20070287152.

## **Conclusion**

Since all the pending claims are allowable or in condition for allowance, Applicants respectfully request the issuance of a Notice of Allowance and Allowability. In the event any outstanding issues remain, Applicants respectfully request that the Examiner contact their undersigned counsel to resolve such issues in an expeditious manner and place the application in condition for allowance.

The Commissioner is hereby authorized to charge any fees connected with this filing, which may be required, including extension of time fees, or credit any overpayment to Deposit Account No. 50-2478 (039371-20).

Respectfully submitted,



Thomas W. Cole  
Registration No. 28,290  
Stanislaus Aksman  
Registration No. 28,562

Date: June 29, 2011

Customer No. 25570

Roberts Mlotkowski Safran & Cole, P.C.  
P.O. Box 10064  
McLean, VA 22102  
Phone No.: (703) 584-3270 x 218  
Direct: (703) 677-3003  
Fax No.: (703) 848-2981